



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
9 SEPTEMBER 2019**

PRESENT

Chairman Councillor M W Helm
(In the chair)

Councillors M G Bassenger, B S Beale MBE, V J Bell, R G Boyce MBE,
Mrs P A Channer, CC, A S Fluker, A L Hull, N J Skeens and
W Stamp

1. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R P F Dewick.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 12 August 2019 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally, to highways, flood risk, matters of access and education primarily.

Councillor N Skeens declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/18/00381 – Millfields Caravan Park, Millfields, Burnham-on-Crouch, Essex as his houseboat borders Riverside Park.

Councillor A S Fluker reminded the Committee that on Agenda Item 5 - FUL/MAL/18/00381 – Millfields Caravan Park, Millfields, Burnham-on-Crouch, Essex all Members had an interest as it was Council owned land.

Councillor M G Bassenger declared a non-pecuniary interest in Agenda Item 6 – FUL/MAL/19/00656 – Mangapp Manor, Southminster Road, Burnham-on-Crouch, Essex, as he knew the agent

5. **FUL/MAL/18/00381 - MILLFIELDS CARAVAN PARK, MILLFIELDS, BURNHAM-ON-CROUCH, ESSEX**

Application Number	FUL/MAL/18/00381
Location	Millfields Caravan Park, Millfields, Burnham-On-Crouch, Essex
Proposal	Erection of building to be used as offices, shop, shower/toilet facilities, spa, pool facilities and gym, formation of hardstanding to be used as road and parking and enhanced landscaping, in association with an existing caravan site
Applicant	Birch's Leisure Parks Limited
Agent	Mr Philip Kratz
Target Decision Date	13.03.2019 (Extension of time agreed: 13.09.2019)
Case Officer	Anna Tastsoglou
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Council Owned Land

Following the Officer's presentation Mr Roy Harris, an Objector, addressed the Committee.

A debate ensued where concerns were expressed regarding the design, materials and location of the building. It was strongly argued that this would potentially have a negative impact on the intrinsic character and beauty of the area. Conversely, given that the building would include a pool, it was also noted that this would be a good facility to have in the location.

The Lead Specialist Place informed the Committee that the application had been considered on planning merits alone and the principle of provision of facilities and services ancillary to an existing tourist use is considered acceptable. The lawful use of the site was as a caravan park and the application in front of Members was for the building only. It was noted that the fabric of the building could be conditioned to more suitable materials.

Councillor Skeens said that the application should be rejected on the grounds that it adversely affected the beauty of the countryside. This was not seconded.

Councillor Fluker, acknowledging that there had always been caravans on the site, proposed that the application be approved in accordance with the Officer's recommendation but subject to conditioning the materials used. This was duly seconded.

The Chairman put the proposal to the Committee and upon a vote being taken the application was approved in accordance with the Officer's recommendation.

RESOLVED that the application be **APPROVED** subject to the following conditions:

1. Prior to works above ground level, details of the external materials to be used in the construction of the outbuilding hereby approved shall be submitted to the Local Planning Authority for approval in writing. The construction of the

- outbuilding shall be carried out in accordance with the approved details and retained as such in perpetuity.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 3. The development hereby permitted shall be carried out in complete accordance with approved drawings: ATS/537/03; 10955-0020-002; 10955-0001-007; RCEF64080-SK002 REV B and RCEF64080-SK003 REV A.
 4. The development hereby permitted shall only be used ancillary to the caravan park proposed as shown on approved drawing 10955-0001-007 and for no other purpose, including any type of residential accommodation, at any time.
 5. The proposed development shall be implemented in accordance with the forms of mitigation included in Ecology Survey Report (dated November 2018) and be retained as such in perpetuity.
 6. The use of the site hereby permitted shall be implemented in accordance with the Flood Warning and Evacuation Plan (dated 19.02.2019) submitted with this application. The Plan shall be made available to all users of the site at all times throughout the lifetime of this permission.
 7. No development shall be constructed during the wintering bird period between October – March inclusive.
 8. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
 9. Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The report of the findings must include:
 - i) A survey of the extent, scale and nature of contamination;
 - ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
 - iii) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works.

This must be conducted by a qualified person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
 10. Where identified as necessary in accordance with the requirements of condition 8, no development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical

environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

11. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
12. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:
 - Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 2.4 l/s
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Storage should half empty within 24 hours wherever possible. An assessment of the performance of the system and the consequences of consecutive rainfall

events occurring should be submitted to and approved in writing by the Local Authority. if the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

13. No development shall commence, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- Measures to control the emission of dust, noise and dirt during construction Hours and days of construction operations.

6. FUL/MAL/19/00656 - MANGAPP MANOR, SOUTHMINSTER ROAD, BURNHAM-ON-CROUCH, ESSEX

Application Number	FUL/MAL/19/00656
Location	Mangapp Manor, Southminster Road, Burnham-on-Crouch
Proposal	Construction of outbuilding for storage of classic cars and motorcycles. Formal removal of additional use of property as a wedding venue.
Applicant	Mr Mark Sadleir
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	19.09.2019
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Major Application

Following the Officer’s presentation, the agent, Mr Michael Lewis, addressed the Committee.

Councillor Stamp opened the discussion by saying that she liked the application and proposed that the application be approved contrary to the Officer’s recommendation but conditioned on the use restricted to car storage etc. The Lead Specialist Place clarified that where a condition can overcome the harm then it can be used. However, in this case, given that the siting of the proposed building was outside of the residential curtilage, this was not possible. He went on to say that it was the responsibility of the decision maker to look at the application for planning purposes, consider future use and plan long-term.

At this stage Councillor Skeens declared a non-pecuniary interest in this application as he knew the architect.

A long debate then ensued on the issue of residential curtilage and the Lead Specialist Place took the Committee through the case law governing this area of planning. He advised that, going forward, should Members have any queries, ideally in advance of meetings, planning staff were available to answer questions and advise on all pertinent matters.

Councillor Stamp then said she would withdraw her proposal given that it could not be conditioned. It was requested that future applications dealing with curtilage should contain a plan showing curtilage boundaries.

Cllr Fluker commented that he was unhappy with an application that was outside of the curtilage, the concerns over future use and that the design was not in keeping with the Manor building. He proposed that the application be refused in accordance with the Officer's recommendation. This was duly seconded.

The Chairman put the proposal to refuse the application to the Committee and upon a vote being taken it was refused.

RESOLVED that the application be **REFUSED** for the following reason

1. The proposed outbuilding, as a result of its siting, scale, bulk and design would be unduly detached from the host dwelling and would have a substantial and unacceptable visual impact on the intrinsic character and beauty of the countryside. This would be exacerbated by the substantial increase in built form and the fact the development is located outside of Mangapp Manor's residential curtilage resulting in the urbanisation of the countryside. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and the guidance contained within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 8.30 pm.

M W HELM
CHAIRMAN